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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C. 20231
 ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 05 January 2000 (05.01.00)	
International application No. PCT/US99/09410	Applicant's or agent's file reference CM1762M/VB
International filing date (day/month/year) 30 April 1999 (30.04.99)	Priority date (day/month/year) 01 May 1998 (01.05.98)
Applicant BAECK, Andre, Cesar et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

29 November 1999 (29.11.99)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer R. E. Stoffel
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

REC'D 24 AUG 2000



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CM1762M/VB		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/09410	International filing date (day/month/year) 30/04/1999	Priority date (day/month/year) 01/05/1998	
International Patent Classification (IPC) or national classification and IPC C07K19/00			
Applicant THE PROCTER & GAMBLE COMPANY et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none">I <input checked="" type="checkbox"/> Basis of the reportII <input type="checkbox"/> PriorityIII <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicabilityIV <input type="checkbox"/> Lack of unity of inventionV <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statementVI <input type="checkbox"/> Certain documents citedVII <input type="checkbox"/> Certain defects in the international applicationVIII <input checked="" type="checkbox"/> Certain observations on the international application			
Date of submission of the demand 29/11/1999		Date of completion of this report 21.08.2000	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer Keller, Y Telephone No. +49 89 2399 7419 	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/09410

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-66 as originally filed

Claims, No.:

1-14 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	7, 8, 10, 13
	No:	Claims	1-6, 9, 11, 12, 14
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-14
Industrial applicability (IA)	Yes:	Claims	1-14
	No:	Claims	

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2. Citations and explanations

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: WO 9407998

D2: Linder, M., et al., The Journal of Biochemical Chemistry, 1996, Vol. 271, pages 21268-21272

D3: WO 9305226

1. D1 discloses recombinant proteins comprising e.g one ore more CBDs fused to an endoglucanase catalytically active domain (CAD) (page 2, line 5 to page 4 line 12; claims). The hybrid protein can contain CADs and CBDs from various origins (page 8, line 6 to page 9, line 35). Said protein can be used in detergent compositions (abstract, claims). This recombinant protein improves the detergent properties in view of e.g fuzzing, depilling, harshness reduction i.e softness (Abstract).
2. D2 discloses a recombinant protein comprising 2 CADs, this protein has increased affinity for cellulose, thus increasing the affinity of an enzyme for its substrate (Abstract; page 21272, last paragraph).
- 3a. In view of D1 the subject matter of claims 1-6, 9, 11, 12, 14 do not meet the requirements of Article 33(2)PCT.
- 3b. The subject-matter of claims 7, 8, 10, 13, is not anticipated by the documents cited in the international search report.
Therefore, said claim meets the requirements of Article 33(2) PCT.
4. Furthermore it seems that even if novelty of said claims could be restored inventive step could not be acknowledged since it is clear from the teaching of the prior art (e.g D2) that CADs have affinity to cellulose. Thus, it is obvious for

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the skilled person to use CADs, in combination with softening agents, to target softening agents to the fabric in fabric care compositions.

5. As afore mentioned it would be obvious for the skilled person to combine a double CBD comprising protein as described in D2 (abstract) with a softening agent to arrive to the subject-matter of claim 7.
Thus, claim 7 does not meet the requirements of Art 33(3) PCT.
6. Claims 8, 10, 13 do not meet the requirements of Article 33(3) PCT. Said claims merely consist in a particular selection among equivalent possible solutions. Such a selection could be regraded as involving an inventive step only if a surprising or unexpected effect for the skilled person could be shown, this seem not to be the case.

Re Item VIII

Certain observations on the international application

All claims do not meet the requirements of Art 5 and 6 PCT do to the vague wording used and/or the absence of technical features.

Indeed a "softening protein" has no defined meaning for the skilled person, and it seems unlikely that any protein has softening properties. Nevertheless, if this should be the case the "origin" of the softening properties should be clearly defined.

For instance claim 1 is devoid of any technical feature, claim 8 it is not clear which enzyme or wheat proteine has the alleged properties.

Furthermore, it seems that there is no data in the present application that an unexpected or surprising effect for the skilled person exists in regard to the claimed softening agents or fabric care composition.